



Los Angeles County Fire Dept • Health Hazardous Materials Division
Certified Unified Program Agency • Participating Agency



HAZARDOUS WASTE GENERATOR COMPLIANCE REFERENCE

This reference contains a brief description of laws and regulations as they apply to both large and small hazardous waste generators in the state of California.

Legal references

Health and Safety Code (H&SC)
California Code of Regulations (CCR) Title 22
Code of Federal Regulations (CFR), Title 40
Los Angeles County Code

Internet addresses

www.leginfo.ca.gov/calaw.html
www.calregs.com
www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1
<http://ordlink.com/codes/lacounty>

Large Quantity Generator (LQG) definition:

1. Generate, in any calendar month, 1,000 kilograms (2,200 pounds) or more of hazardous waste; **or**
2. Generate, in any calendar month, more than 1 kilogram (2.2 pounds) of acutely hazardous waste (AHW) or 100 kilograms of debris resulting from the spill of an AHW; **or**
3. Accumulate on-site more than 6,000 kilograms (13,200 pounds) of hazardous waste at any time.

Small Quantity Generator (SQG) definition:

A generator of hazardous wastes who, in any calendar month, generates between 100 and 1,000 kilograms of hazardous waste in that month.

Conditionally Exempt Small Quantity Generator (CESQG) definition:

A generator is a CESQG if no more than 100 kilograms of hazardous waste is generated in a month.

<u>IR#</u>	<u>CODE</u>	<u>DESCRIPTION</u>
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|-----|----------------------------------|--|
| 70. | CO ORD
12.50.075
12.50.115 | Unified program permit – Every person, business, or business concern within the jurisdiction of the Los Angeles County Certified Unified Program Agency (LACoCUPA) and subject to the requirements of one or more of the program elements shall be required to obtain annually from the LACoCUPA a unified program facility permit for the program elements applicable to such facility. |
| 1. | CCR
66262.11 | Hazardous waste determination - The generator of a waste must determine whether the waste is a hazardous waste by determining whether it is included on one of the lists of materials classified as hazardous wastes or meets the criteria for one or more characteristics (i.e. ignitability, reactivity, corrosivity, or toxicity) that would make it a hazardous waste by either: <ul style="list-style-type: none">▪ Having the waste tested by a laboratory certified by the State of California to perform waste determination analyses; or▪ Applying the generator's knowledge of the hazardous properties of the waste in light of the materials and processes involved in the generation of the waste. Waste determinations should be documented and kept at the facility available for inspection. |
| 2. | H&SC
25189.5(a) | Proper disposal of hazardous waste - It is illegal to dispose of a hazardous waste to: <ul style="list-style-type: none">▪ A facility that is not permitted by the Department of Toxic Substances Control (DTSC) to accept such a waste;▪ A sewer or septic system;▪ The trash or dumpster;▪ A storm drain;▪ The ground; or |

- Any other location that is not authorized to receive such waste.

3. CCR 66265.31 as referenced by 66262.34(a)(3) **Maintenance and operation of facility** - Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned release of hazardous waste to air, soil, or surface water that could threaten human health or the environment.

4. CCR 66262.34(f) as referenced by 66262.34(a)(3) **Hazardous waste labeling** - The following information must be clearly marked on each container and tank holding a hazardous waste:

- The words "HAZARDOUS WASTE"
- The accumulation start date for the waste (i.e. the date waste was first placed in the container). This date must be visible for inspection.

Each container and portable tank must additionally be marked with the following:

- The composition of the waste;
- The physical state of the waste (i.e. solid or liquid);
- The hazardous properties of the waste (i.e. flammable, corrosive, reactive, toxic);
- The name of the waste generator;
- The address of the waste generator.

On waste transfer containers that are emptied daily, the words "EMPTIED DAILY" may be marked in place of the actual date.

(Note: Additional DOT marking requirements must be met prior to off-site transportation.)

5. CCR 66262.34(a) **LQG accumulation time** - Except for satellite accumulation wastes (see Item 7, below), maximum accumulation time may not exceed 90 days unless the generator has a hazardous waste storage permit or has received an extension from DTSC. There are no limits of quantity of waste stored onsite.

CCR 66262.34(d) **SQG accumulation time** – Except for satellite accumulation wastes (see Item 7, below), maximum accumulation time may not exceed 180 days (270 days if the Treatment Storage Disposal Facility (TSDF) is 200 or more miles from generator's facility or the generator is also the transporter of the waste) unless the generator has a hazardous waste storage permit or has received an extension from DTSC.

6. CCR 66261.2(f) **Hazardous materials storage** – Hazardous materials that are packaged in deteriorated or damaged containers must be packaged in sound or undamaged containers within 96 hours or be managed as a hazardous waste.

Hazardous materials labeling – Hazardous materials that are mislabeled or not adequately labeled must be properly labeled within 10 days or be managed as a hazardous waste.

7. CCR 66262.34(e) **Satellite accumulation** - A generator may accumulate hazardous waste for up to one year if all of the following requirements are met:

- The waste must be accumulated in a container (not a tank) that is located at or near the point of waste generation;
- The container must be under the control of the operator of the process generating the waste;
- The initial date of accumulation (i.e. the date waste was first placed in the container) must be clearly marked on the container and visible for inspection;
- The total amount of each waste stream present at each satellite accumulation point must not exceed 55 gallons of hazardous waste or 1 quart of acutely or extremely hazardous waste;
- Within three days of reaching the 55 gallon or one quart limit, the container must be marked with the date the quantity limit was reached;

- The generator must not hold the waste on-site for more than one year from the initial date of accumulation, or for longer than 90 days after reaching the 55 gallon or one quart satellite accumulation limit whichever occurs first.

The container must also meet labeling (checklist items 4), closed containers (checklist item 9), and compatible containers requirements (checklist item F).

8. CCR
66265.171
as referenced by
66262.34(a)(1) **Containers leaking/poor condition** - If a container holding a hazardous waste is not in good condition (e.g. severe rusting, apparent structural defects, etc.), or if it begins to leak, the generator must transfer the waste to a container that is in good condition.

9. CCR
66265.173(a)
as referenced by
66262.34(a)(1) **Closed containers** - Containers must always be closed during transfer and storage, except when it is necessary to add or remove waste, so that their ability to contain the wastes is not impaired. Containers are considered closed when all lids, gaskets, and locking rings are in place and secured.

[Exception: During accumulation, containers holding non-dispersible waste solids (e.g. absorbents, rags, gloves, etc.) contaminated with non-volatile, non-poisonous substances are considered closed when kept covered by a lid.]

10. CCR
66265.177
as referenced by
66262.34(a)(1) **Separation of incompatible materials** - Wastes must not be placed in a container that holds an incompatible material. Wastes must be separated from incompatible materials transferred or stored nearby by means of a dike, berm, wall, or other appropriate device.

11. CCR
66262.10
as referenced by
66260.10 **Retrograde or accumulated speculatively** – A hazardous material becomes a hazardous waste if it exceeds the allowable time limits for retrograde material or if it is accumulated speculatively.

Retrograde material is any hazardous material which is not used or sold for use in an originally intended purpose and which meets one or more of the following criteria:
 - Has undergone chemical, biochemical, physical or other changes due to the passage of time or the environmental conditions under which it was stored
 - Has exceeded a specified or recommended shelf life
 - Is banned by law, regulation, ordinance or decree
 - Cannot be used for reasons of economics, health/safety or environmental hazard

Any retrograde material becomes a recyclable material if it has not been used, distributed or reclaimed through treatment one year after the date the material becomes a retrograde material (or one year after the material is returned to the original manufacturer).

Accumulated speculatively means that a material is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that, during the calendar year (commencing on January 1), the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75% by weight or volume of the amount of that material accumulated at the beginning of the period.

12. CCR
66261.7 **Empty hazardous materials containers** - The definition of “empty” for containers or inner liners is that no material can be drained or poured from the container, or that no material remains in the container that can be removed by physical means.
 - Each empty container larger than 5 gallons that previously held a hazardous

material must be marked with the date it was emptied and be shipped for recycling, reconditioning, or reclamation of its scrap value - or managed on-site in such a manner - within one year of being emptied.

- The name, street address, mailing address, and telephone number of the operator or owner where the empty container has been shipped shall be maintained for three years, and the generator shall provide this information upon request to the Department.

[Exceptions: (1) Containers returned to the supplier to be refilled are exempt; (2) Empty gas cylinders are exempt when cylinder pressure reaches atmospheric pressure; (3) Aerosol cans are exempt if they are not a RCRA-regulated hazardous waste or California extremely hazardous waste and they are emptied of contents and propellant to the maximum extent practical under normal use (i.e. no clogged valves); (4) Containers or container liners made of wood, paper, cardboard, fabric, or any other similarly absorptive materials must be managed as hazardous wastes if they were in direct contact with and have absorbed the

hazardous material/waste they held; (5) Containers or container liners that have held RCRA acutely hazardous wastes or California extremely hazardous wastes must be managed as hazardous wastes unless triple rinsed or otherwise cleaned in a manner approved by DTSC.]

13. H&SC 25250.4 **Used oil** - Used oil must be managed as a hazardous waste unless it is shown to meet one of the specifications for recycled oil in HSC 25250.1(b) or qualifies for a recycling exclusion under HSC 25143.2.

14. CCR 66266.130 **Used oil filters** – Used oil filters must be managed like other hazardous wastes unless all of the following requirements are met:

- The filters must be drained of free-flowing used oil. If the filter is equipped with a device (such as a rubber flap located just inside the filter opening) that impedes the drainage of oil from the filter, that device must be manipulated to allow the oil to exit the filter freely, or the filter punctured, crushed, opened, drained, or otherwise handled in a manner that will allow the oil to exit the filter;
- The drained filters must be accumulated, stored, and transferred in a rain-proof container that is capable of containing any oil that may separate from the filters. During transfer, containers must be sealed so that when they are laid on their sides, no oil will leak out;
- Containers must be labeled as “DRAINED USED OIL FILTERS” (not as hazardous waste) and marked with the initial date of filter accumulation or receipt;
- Filters in amounts less than one ton must not be accumulated/stored on site longer than one year (180 days for amounts equal to or greater than one ton);
- Filters must be transported to a smelter or other scrap metal processor for recycling, or to a storage or consolidation facility that later transfers them to such a recycler.

CCR 66266.130(c) **Recordkeeping** - Persons generating, transporting, or receiving used oil filters must use a bill of lading to record the transfer of filters. The bills of lading must be kept on the premises of the generator, transporter, and receiving facilities for at least 3 years from the date of shipment. Bills of lading must include:

- The generator’s company name, address, and telephone number;
- The transporter’s company name, address, and telephone number;
- The receiving facility’s company name, address, and telephone number;
- The quantity and size of each used oil container shipped;
- The date of transfer.

15. CCR 66266.81 **Spent lead-acid storage batteries** - A person who generates in one year, stores at one time, or transports at one time in one vehicle 10 or fewer spent batteries that have been removed from motor vehicles or are equivalent in type and equivalent to, or smaller in size than, such batteries is exempt from managing those batteries as

hazardous waste provided that the batteries are transferred to a person who recycles, uses, reuses, or reclaims the batteries or who stores them for eventual management in that manner. Damaged batteries must be managed to minimize the release of acid and lead and to protect handlers and the environment. Containers holding damaged batteries must be conspicuously marked in a weather-resistant manner with the date that the first battery was placed inside the container. Transfers of spent batteries must be recorded on manifests or bills of lading that:

- Meet the shipping paper requirements contained in 49 CFR, Part 172, Subpart C and 49 CFR §177.817;
- Are kept at the generator's, transporter's, and receiving facility's places of business for at least 3 years from date of shipment.

16. H&SC
25144.6

Contaminated textiles - Textile materials (e.g. shop towels, uniforms, gloves, linens, etc.) that have become soiled with hazardous waste during commercial or industrial use are exempt from using hazardous waste haulers and paying State hazardous waste fees if all the following requirements are met:

- They are made reusable by laundering or comparable methods of cleaning at a facility (i.e. commercial laundry) with a Contingency Plan for handling both on-site and off-site emergencies involving the materials and which maintains records of the date, type, and quantities by piecework or weight of the materials laundered;
- They are not subject to federal regulation as hazardous wastes;
- They are not used to clean up or control a spill that is required to be reported to any state or federal agency;
- No hazardous waste has been added after the materials' original use;
- No free liquids are released during transportation or storage of the materials.

17. CCR
66265.174
as referenced by
66262.34(a)(1)

Weekly container inspections - Generators must inspect areas used for container storage or transfer at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

18. CCR
66265.195
as referenced by
66262.34(a)(1)

Inspection of tank systems - Generators must perform and document inspections of the following items at least once each operating day:

- Overfill/spill control equipment to ensure good working order;
- Aboveground portions of the tank system, if any, to detect corrosion or leaks;
- Data gathered from monitoring equipment and leak detection equipment (e.g. pressure and temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design;
- Construction materials and the area immediately surrounding the externally accessible portions of the tank system including secondary containment structures to detect erosion or signs of leaks;
- For uncovered tanks, the level of waste in the tank to ensure compliance with freeboard requirements.

19. CCR
66265.194
as referenced by
66262.34(a)(1)

Tank operating requirements - Tanks holding hazardous waste must be provided with the following:

- Spill prevention controls (e.g. check valves, etc.);
- Overfill prevention controls (e.g. level-sensing devices, high level alarms, automatic feed cutoff, bypass to a standby tank, etc.);
- In the case of uncovered tanks, at least 2 feet of freeboard to prevent overtopping by wave or wind action or by precipitation.

[Exception: This freeboard requirement does not apply if the tank is equipped with a containment structure (e.g. dike, trench, etc.), drainage control system, or diversion structure (e.g. standby tank) with a capacity equal to or greater than the volume of the top 2 feet of the tank.]

20. CCR
66262.12

EPA ID number - A facility or individual must not treat, store, dispose of, transport, or offer for transportation a hazardous waste unless an EPA ID number has been obtained. These numbers are site-specific and owner-specific, so if a facility moves

or changes ownership, a new number must be obtained. Each facility may have only one EPA ID number. All generators, other than CESQGs who generate silver-only wastes from photo developing, must have an EPA ID number.

[Note: State issued numbers begin with the letters CAL; federally issued numbers begin with the letters CAD. Provisional EPA ID Numbers (those that begin with the letters CAC or CAP) are only valid for 90 days. To obtain an EPA ID number from the state, call (800) 618-6942. RCRA SQGs and LQGs must obtain an EPA ID number from the US EPA at (415) 495-8895.]

21. CCR
66262.20 **General manifest requirements** - A generator who offers hazardous waste for transportation must ship the waste on a properly completed Uniform Hazardous Waste Manifest, and if necessary, manifest continuation pages. The generator must designate on the manifest one treatment, storage, or disposal facility (TSDF) that is permitted to receive the wastes described on the manifest. One alternate facility may also be designated on the manifest in case an emergency prevents delivery to the primary facility. If the transporter is unable to deliver the waste to either facility, the generator must either designate another facility or instruct the transporter to return the waste.
22. CCR
66262.23(a) **Manifest complete** – The generator must properly complete and sign the generator portion of the manifest according to the instructions printed on the back of the manifest. The generator must obtain the handwritten signature of the initial transporter and date of acceptance on the transporter portion of the manifest
23. CCR
66262.23(a)(4) **Manifest copies to DTSC** - Within 30 days of the waste shipment, the generator must mail the blue copy of the manifest to DTSC.
24. CCR
66262.40(a) **Manifest retention** - A copy of each hazardous waste manifest must be kept until the generator receives a signed copy from the TSDF designated to receive the waste. Each TSDF-signed manifest copy must be kept for at least 3 years from the date of waste shipment
25. H&SC 25160.2 **Consolidated manifest requirements** – Consolidated manifesting allows certain registered haulers to combine, on a single manifest, specified wastes from multiple generators. Generators using this procedure are exempt from filling out a hazardous waste manifest. Generators using this procedure must have an EPA ID number.

Specified wastes include used oil, used coolant, parts cleaning solvent, metal sludge from wastewater treatment, paint waste, photo developing waste, dry cleaning waste, asbestos, ink waste, lab packs from K-12 schools, spent absorbents, waste from disabled vehicles and gasoline/diesel pump filters.

Generators of up to 1,000 kg per month of CA-only waste can use this procedure. Only non-RCRA wastes (or RCRA hazardous wastes not required to be manifested) are allowed under the consolidated manifesting procedure.

Generators must keep receipts for three years. Receipts must contain the following information:

- Generator name, address, telephone number, EPA ID number, contact person, generator representative signature;
- Shipment date;
- Manifest number;
- Waste volume;
- Waste codes;
- Waste type;
- Proper shipping name including hazard class and UN/NA number, if applicable;
- Transporter name, address and EPA ID number;

- Driver signature;
- TSDF name, address and EPA ID number;
- A statement (signed by the generator) certifying that the generator has established a program to reduce the volume or quantity and toxicity of the hazardous waste to the degree (as determined by the generator) to be economically practicable.

[Exception: The only group excluded from the EPA ID number requirement is generators of less than 100 kilograms per month of “silver only” hazardous waste or wastes that are hazardous solely due to the presence of silver.]

[Exception: Per H&SC §25250.11(b), the generator of used oil may transport up to 55 gallons of used oil.]

26. H&SC 25163(a) **Haz waste transported by registered hauler** – It is illegal for a person to transport a hazardous waste unless that person holds a valid transporter registration issued by DTSC. It is illegal for any person to transfer custody of hazardous waste to a transporter who does not hold such a registration.

(Note: There are some exceptions to these requirements.)

27. CCR 66268.7(a)(6) **LDR document retention** – Retain in facility files all waste analyses, notifications and other LDR documentation.

28. CCR 66262.40(c) **Hazardous waste analysis retention** – Copies of test results, waste analyses, or other hazardous waste determination records must be kept for at least 3 years from the date the waste was last sent for on-site or off-site treatment, storage, or disposal.

29. **Personnel training requirements –**

CCR 66265.16
as referenced by 66262.34(a)(3) LQG personnel training - All personnel at the facility involved in the management (i.e.

generation, transfer, shipment, etc.) of hazardous waste must receive classroom instruction or on-the-job training in the proper management of hazardous waste. This training must:

- Be directed by a person trained in hazardous waste management procedures;
- Include instruction that teaches personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed (e.g. personnel who prepare or sign hazardous waste manifests must be trained in manifest requirements, those who label containers must be trained in labeling requirements, etc.)
- Be designed to ensure that personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, equipment, and systems
- Be provided to personnel within six months after the date of their employment or assignment to a new facility, or to a new position at a facility. *(Note: Personnel who have not yet completed this training must work under the supervision of a properly trained person.)*
- Be reviewed annually through refresher training;
- Be documented by records that include:
 - The job title for each position related to hazardous waste management, and the name of each employee filling the job;
 - A written job description for each of the above job positions that describes job duties and the skills, education, or other qualifications required of personnel assigned to each position;
 - A written description of the type and amount of both introductory and continuing training that will be given to each person filling the above job

- positions;
- Documentation that this training has been given to, and completed by, facility personnel.

CFR
262.34(d)(5)(iii)
as referenced by
CCR
66262.34(d)

SQG personnel training- All employees must be thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

CCR
66265.16(e)
as referenced by
66262.34(a)(4)

Retention of training records - Hazardous waste management training records on current personnel must be kept until closure of the facility. Records on former employees must be kept for at least three years from the date the employee last worked at the facility.

30. CCR 66265.51 **Contingency plan established** – Each owner/operator shall have a contingency plan for the facility. The Consolidated Contingency Plan/Business Plan will meet this requirement.

[Exception: small quantity generators do not need a contingency plan.]

CCR
66265.52
as referenced by
66262.34(a)(3)

Contingency plan prepared/complete - The facility must have a written plan that is kept current and includes the following information:

- A description of actions facility personnel will take to respond to fires, explosions, or any unplanned release of hazardous waste to air, soil, or surface water at the facility;
- A description of any arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services for the facility;
- The names, addresses, and phone numbers (office and home) of all persons qualified to act as Emergency Coordinator. Where more than one person is listed, one must be named as primary Emergency Coordinator, and the others must be listed in the order in which they will assume responsibility as alternates;
- A list of all emergency equipment at the facility [e.g. fire extinguishing and spill control equipment, communications and alarm systems (internal and external), and decontamination equipment, where such equipment is required]. It must include the location and physical description of each item, and a brief outline of its capabilities;
- An evacuation plan for facility personnel. The plan must describe signals used to begin evacuation, primary and alternate evacuation routes, and the current phone number for the State Office of Emergency Services.

CCR
66265.53
as referenced by
66262.34(a)(3)

Copies of contingency plan - Copies of the plan and any revisions to it must be maintained at the facility and submitted to appropriate emergency response agencies.

CCR
66265.54
as referenced by
66262.34(a)(3)

Amendment of contingency plan - The Contingency Plan must be reviewed and, if necessary, immediately amended whenever:

- Applicable regulations are revised;
- The plan fails in an emergency;
- The facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous waste, or changes the response necessary in an emergency;
- The list of Emergency Coordinators changes;
- The list of emergency equipment changes.

31.

Emergency preparedness and prevention:

CCR
66265.34
as referenced by
66262.34(a)(3)

Access to communications or alarm system - Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee. If there is ever just one person on the premises, the employee must have access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio capable of summoning external emergency assistance.

CCR
66265.33
as referenced by
66262.34(a)(3)

Testing and maintenance of equipment - All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation.

CCR
66265.37
as referenced by
66262.34(a)(3)

Arrangements with local authorities - The facility owner or operator must attempt to make the following arrangements, as appropriate for the type of wastes handled at the facility and the potential need for the services of the response organizations:

- Arrangements to familiarize police, fire departments, emergency response teams, and the local Office of Emergency Services with the layout of the facility, properties of hazardous wastes handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;
- Agreements with emergency response contractors and equipment suppliers;
- Arrangements to familiarize local hospitals with the properties of hazardous wastes handled at the facility and the types of illnesses that could result from fires, explosions, or releases at the facility.

CCR
66265.55
as referenced by
66262.34(a)(3)

Emergency coordinator - At all times there must be at least one employee either on the premises or on call (i.e. available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response and reporting activities. This Emergency Coordinator must have the authority to commit the resources needed to carry out the Contingency Plan and be thoroughly familiar with the facility, all aspects of the Contingency Plan, and locations of all records within the facility.

CCR
66265.32
as referenced by
66262.10(h)

Required emergency equipment – The site shall be equipped, as applicable, with the following:

1. An internal communication alarm system
2. A device (i.e. telephone or two way radio) for calling outside emergency help.
3. Fire control equipment, spill control equipment, and/or decontamination equipment.
4. Water at an adequate volume and pressure to supply water hose streams and foam-producing equipment, or an automatic sprinkler system.

32. CCR
67100.3

SB 14 Requirements for LQGs- Facilities which routinely generate >12,000 kg/year (26,400 lbs or 3,165 gals) of hazardous waste must:

- Prepare a Source Reduction Plan – the plan for reducing waste over the next four years;
- Prepare a Hazardous Waste Management Performance Report - assesses improvement in waste reduction in the last four years;
- Prepare (and submit to DTSC) a Summary Progress Report (SPR) – compares current waste generation quantities with last reporting year quantities;
- Plan and reports must be prepared every four years. For example, in the

reporting year 2002 documents are to be completed (and SPR submitted) by September 1 of 2003;

- Copies of the Plan, Report and SPR must be kept onsite;
- A "Small Business" can substitute the Checklist for the Plan, and the SPR for the Report.

33. CCR
66262.40-.41

Biennial Report - Generators subject to the requirement (RCRA LQG) to file Biennial Reports must submit a properly completed report to DTSC by March 1 of each even-numbered year. Report copies must be retained for three years.

34.

Management of excluded recyclable material-

H&SC
25143.9

Excluded recyclable material operating requirements - The following storage and handling requirements must be met:

- The owner or operator of the facility where excluded recyclable materials are located must have a Hazardous Materials Business Plan meeting the requirements of H&SC §25504;
- The material must be stored and handled in accordance with all local ordinances and codes governing storage and handling of hazardous material;
- Containers or tanks must be marked with the following information:
- The accumulation start date for the material (i.e. the date material was first placed in the container);
- The words "EXCLUDED RECYCLABLE MATERIAL."

Each container and portable tank must additionally be marked with the following:

- The composition of the material;
- The physical state of the material (i.e. solid or liquid);
- The hazardous properties of the material (i.e. flammable, corrosive, reactive, toxic);
- The name and address of the generator of the material.

H&SC
25143.2(f)

Excluded recyclable material record keeping - Any person who manages a recyclable material under a claim that the material qualifies as an excluded or exempted recyclable material pursuant to H&SC §25143.2 must maintain and provide, upon request, to the CUPA the following information:

- The name, street and mailing address, and telephone number of the owner or operator of any facility that manages the material;
- Adequate records to demonstrate to the satisfaction of the CUPA that there is a known market or disposition for the material and that the requirements of any exemption or exclusion pursuant to H&SC §25143.2 are met;
- Other information related to the management of the material requested by the CUPA.

H&SC
25143.2(d)

Excluded recyclable material transportation - Excluded recyclable material can be transported between locations operated by the same person who generated the material if all of the following requirements are met:

- The destination location recycles the material or sends it to an authorized off-site hazardous waste facility for recycling;
- The material must be transported by employees of the generator or by a registered hazardous waste hauler under contract to the generator;
- The material must not be held at any interim location;
- The following information is maintained in an operating log at the destination location and kept for at least 3 years after receipt of the material:
- The name and address of each location contributing material to each shipment;
- The quantity and type of material contributed by each generator to each shipment;
- The destination and intended disposition of all material shipped off-site or received;

- The date of each shipment received or shipped off-site.

35. H&SC 25143.10 **Recycling reporting** - Any person who recycles more than 100 kilograms (220 pounds) per month of recyclable material under a claim that the material qualifies for exclusion or exemption from hazardous waste requirements pursuant to H&SC §25143.2 must complete and submit the following documents to the CUPA:
- Unified Program Consolidated Form: Business Activities page;
 - Unified Program Consolidated Form: Business Owner/Operator Identification page;
 - Unified Program Consolidated Form: Recyclable Materials Report.
36. H&SC 25187(a)(1) 25404.1(a)(3)(B) **Site assessment requirements –** Need guidelines from the Site Mitigation Unit (SMU) which define Inspection Unit responsibility for site assessment/remediation. Identify SMU referral protocols.
37. CCR 66265.111 66265.114 **Closure requirements –** Facility closure must:
- Minimize the need for further maintenance;
 - Decontaminate and/or remove all contaminated equipment, structures and soil;
 - Ensure the protection of human health and the environment;
 - Any hazardous wastes generated from closure shall be properly disposed of and manifests available for inspection.
38. HSC 25189.6 **Reckless management of hazardous waste –** Any person who knowingly, or with reckless disregard for the risk, treats, handles, transports, disposes, or stores any hazardous waste in a manner which causes any unreasonable risk of fire, explosion, serious injury, or death is guilty of a public offense. Any person who knowingly, at the time the person takes the actions specified above, places another person in imminent danger of death or serious bodily injury, is guilty of a public offense.
39. See A-M below **Other violations –** If this box is checked the inspector has written in a violation not listed in #1 – 38. These can be the “write-in” violations listed below or any other violation that the inspector deems appropriate.
- A HSC 25189.5(a) **False or erroneous information –** Submission of manifests, records, applications or other documents containing false or erroneous information or statements is unlawful.
- B CCR 66270.1 **Transfer/Treatment/Storage/Disposal Permit -** A facility may not transfer (i.e. load, unload, pump, or package waste that is not generated on-site), treat, store (i.e. hold longer than applicable accumulation time limits), or dispose of a hazardous waste on-site without obtaining a permit from DTSC.
- (Note: Treatment is defined as any method, technique, or process that changes or is designed to change the physical, chemical, or biological character or composition of a hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics for any purpose including, but not limited to, energy recovery, material recovery, or reduction in volume. Examples include pH adjustment, precipitation, filtration, distillation, compacting, etc.)*
- C HSC 25201(a) **Authorization for storage/treatment -** An owner or operator must hold a hazardous waste facilities permit or other grant of authorization for the purpose of treating, disposing, storing, or accepting hazardous waste.
- D CCR 66265.173(b) **Handle container to avoid leaks –** A container holding hazardous waste shall not be opened, handled, transferred or stored in a manner which may rupture the

container or cause it to leak.

- E** CCR 66265.177(a)(b) as referenced by 66262.34(a)(1) **Incompatible wastes in same container** – Incompatible wastes, or incompatible wastes and materials shall not be placed in the same container. Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material.
- F** CCR 66265.172 as referenced by 66262.34(a)(1) **Compatibility of waste with containers** - The generator must use containers that will not react with, and that are otherwise compatible with, the wastes to be transferred or stored, so that their ability to contain the wastes is not impaired.
- G** CCR 66265.35 as referenced by 66262.34(a)(3) **Aisle space** - Aisle space must be maintained for movement of personnel and response equipment in an emergency unless it can be demonstrated that aisle space is not needed.
- H** CCR 66265.176 as referenced by 66262.34(a)(1) **Ignitable or reactive wastes** - Containers holding ignitable or reactive wastes must be located at least 50 feet from the facility's property line.
(Note: this provision only applies to LQGs)
- I** Referenced by CCR 66262.34(a)(1): **Additional hazardous waste tank system requirements:**
- CCR 66265.191 Integrity assessment/existing tank systems – An existing tank system that lacks secondary containment must have an integrity assessment to ensure it is not leaking or unfit for use. The written assessment must be reviewed and certified by a professional engineer.
- CCR 66265.192 New tank system assessment – Prior to placing into service, a new tank system must undergo an integrity assessment. The written assessment must be reviewed and certified by a professional engineer.
- CCR 66265.193 Containment and detection of releases – Secondary containment systems must be designed and operated to prevent the movement of wastes out of the tank system to the soil, groundwater or surface water. They must be capable of detecting and collecting releases.
- CCR 66265.196 Response to leaks or spills - A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, shall be removed from service immediately, and the following requirements shall be satisfied:
- Implementation of general emergency procedures;
 - Cessation of use; prevention of flow or addition of wastes;
 - Removal of waste from tank or secondary containment system;
 - Contain visible releases to the environment
 - Appropriate notifications/reports
 - Provide secondary containment, repair, or close.
- CCR 66265.197 Closure - A hazardous waste tank system must be closed by:
- Removing and decontaminating all waste residues, contaminated tank systems, and soil;
 - Identifying, managing and disposing of any hazardous wastes;
 - Submission of a completed "Hazardous Waste Tank Closure Certification" form to the CUPA.
- (Note: Post-closure requirements apply if not all contaminated soils can be practicably removed or decontaminated)*

- J. HSC 25217** **Recyclable latex paint management** – Liquid latex paint shall not be disposed to the land or waters of the State. Latex paint may be recycled at a facility that is not permitted by DTSC. The facility must handle the liquid latex paint safely, and provide a business plan. If the liquid latex paint is not recyclable, it must be managed as a hazardous waste. Bills of lading for management of recyclable latex paint shall be kept for a least three years and include:
- The name, address and telephone number of the generator, the transporter, and the facility managing the latex paint;
 - The quantity of recyclable latex paint transported;
 - The date of transportation;
 - The signature of the transporter and the generator.
- K. CCR 66262.42** **Manifest exception reporting** - A generator who does not receive a TSDf-signed manifest copy within 35 days of the waste shipment must:
- Contact the transporter and/or the TSDf to determine the status of the waste, and;
 - If a TSDf-signed manifest copy is still not received within 45 days of the waste shipment, submit to DTSC an exception report that includes the following:
 - A legible copy of the manifest copy left by the transporter at the time of shipment;
 - A cover letter signed by the generator or the generator's authorized representative explaining efforts taken to locate the waste and the results of those efforts;
 - A copy of the exception report must be kept by the generator for at least three years
- L. CCR 66262.53** **Hazardous waste export requirements** – Exports of RCRA hazardous waste to foreign countries are prohibited unless the following conditions are met:
- Notification to the EPA has been provided;
 - Consent of the receiving country has been obtained;
 - A copy of the EPA Acknowledgement of Consent accompanies the shipment;
 - The shipment conforms to the terms of the receiving country's consent
- M. CCR 66265.56(j) as referenced by 66262.34(a)(3)** **Recording and reporting of emergency incidents** - In the event of any imminent or actual emergency situation that requires implementation of the contingency plan, the facility owner/operator shall:
- Note in the facility operating record the time, date, and details of the incident;
 - Within 15 days of the incident, submit a written report to DTSC that includes:
 - The name, address, and phone number of the owner or operator and the facility;
 - The date, time, and type of incident (e.g. fire, explosion);
 - The name and quantity of each material involved;
 - The extent of injuries, if any;
 - An assessment of actual or potential hazards to human health and/or the environment;
 - Estimated quantity and disposition of recovered material resulting from the incident.